

Presented to the California MLPA Blue Ribbon Task Force (BRTF)

November 19, 2007

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I have great admiration for the intent of the MLPA and the State Staff, the Science Advisory Team (SAT) and the Regional Stakeholders Groups (RSG). There can be no doubt that these highly intelligent and capable people are doing all they can to arrive at an array of protected reserves that will save marine life for study and non-extractive activities. This is the necessary first step in the development of ecosystem based management plans for all living resources within the territorial waters of the State of California. The following comments are offered with the hope of making the MLPA-process results more resilient to future challenges to their legality. There are some specific and overall (systemic) problems that are plaguing the public MLPA process.

(1) One of the biggest problems is that the appearance of an open, transparent public process is not being achieved, due to insufficient staff and short timetable.

(i) Stretch out timetable. With the current timetable, the best solutions may be found by luck, but, given the complexity of some of the problems, this is not likely. From the public view point the process is rushing ahead without sufficient information and documentation being made available.

(ii) Increase MLPA person-power in administrative, clerical and information technology (IT) categories to increase timely presentation of all meeting materials several days before the meetings. This would help everyone, especially those directly involved in the SAT and the RSG.

(iii) Open channels to document and assimilate public input into decision making processes. This is important, but it will take more staff than you have at present to do it.

(2) The utilization of Science Advisory Team (SAT) advice by the RSG and BRTF would be clarified and expedited and made more clearly "scientific" if the SAT would rank the science quality of their decisions and guidance. I am reluctant to suggest anything to such a notable team of distinguished scientists; however, I hate to see such an important group of individuals spend hours trying to formulate answers to questions that cannot be answered at our present state of scientific knowledge. It is also possible that the RSG subteams are unnecessarily constrained in their deliberations by notes from the SAT that are misinterpreted as being based on hard-science rather than scientifically informed opinion.

Time would be saved by the SAT and additional information would be relayed to the RSG and BRTF, if the SAT would record which one of the following value-categories is most likely to describe their conclusions at the end of the discussion.

- (A) Peer reviewed publication of verifiable results
based on observation and experimentation
- (B) Freely available scientific publications and results
- (C) Internal consensus. vote statistics: who voted for what?
- (D) Group conclusions based on anecdotal and heresay "information"
vote statistics?

If this was agreed upon and recorded by the SAT members at the beginning of their discussions, it would shorten some of their discussions and at the same time relay more information to the RSG and BRTF. It seems to me that when the SAT attacks a question or policy for which there is little background scientific information, they waste their time and drift away from the enormous intellectual strengths that they have generously added to the MLPA process. When A, B, C, D levels of science seem to be promulgated as all the same, it undermines the effectiveness of level A and B guidance, and opens the way to legal action in the future.

(3) Economic Advice and Impact analysis.

Here it is important to not only measure economic impact in terms of revenue, but to measure the importance of that revenue within the context of the total economy of the region. For instance, the area north of the Russian River is very much different than the southern areas. Recreational fishing and diving are important economic factors north of the Russian River, but any enterprise that brings revenue to the area is important economically.

To the extent that economic analysis is within the purview of the SAT, the delivery of economic information has been fragmentary at anything like the (A) or (B) levels discussed above. However, some apparently privileged information, that seems not to be available to the public, has been presented to the RSG (and possibly the BRTF) as information to aid in their decisions. This information should be rated carefully, using a system similar to the one suggested above, and made public before it is presented as useful in decision making. If the information (e.g., from income tax forms, census information, fish and invertebrate landings, and personal survey information) is examined carefully, I am sure that recreational fishing and diving will be the most important source of revenue for a large part of the population between the Russian River and Point Arena (give me a B or C for quality). But this does not mean that the natural resources are being strained, because the total economy of this area is small; there are many people living below the poverty level, including Native Americans. Recreational and commercial economics of this area should be examined carefully as well as (possibly through law enforcement agencies) their interaction with illegal revenue producing activities such as the abalone and marijuana trades.

When there is loss of things that people can do legally to make a living, there may be switching of economic effort into illegal activities. We might note here that SMRs in remote areas may encourage poaching by limiting observation that comes with multiple uses.

